

REMARKS

Claim Disposition

Claims 1-19 are pending in the application and have been rejected by the Examiner. Claims 1, 6, 11, and 17 have been amended.

Claim Rejections 35 U.S.C. §102(b)

Claims 1-4, 6-9 and 13-19 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Maeda U.S. Patent No. 5,802,841 hereinafter referred to as Maeda. Applicants have amended the claims and respectfully submit that Maeda does not disclose all of the elements of the claims. To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). In addition to the foregoing, Applicants contend that in the explanation in the Office Action the teaching of Maeda is mischaracterized.

Claim 1 has been amended to include the limitation of "*said space including a lateral space disposed between each of said plurality of angled strips.*" These **lateral spaces** are defined in paragraph [0023] of the instant application "*The spaces 42 and 44 create distinct edges in which the discharge air 11 interacts with the edges to create vortices to turbulate the flow. It is noted that while the air flows mainly in the longitudinal direction, the spaces 42 and 44 are formed laterally next to each strip 40.*" Additionally, the lateral spaces 42 and 44 are clearly shown in Figures 2-8.

In the rejection the Examiner credits Maeda with disclosing, "*a space between each of said plurality of angles strips includes a lateral space and a longitudinal space.*" The Examiner has also included a reproduction of FIG. 9 from Maeda with dimension lines added and labeled "*Lateral space between a *plurality of angled strips.*" Applicants respectfully submit that the Examiner has mischaracterized Maeda as disclosing a **lateral space** between each of a plurality of angled strips. Applicants contend that, not only does Maeda *not* disclose a lateral space, in fact, Maeda teaches away from the existence of a lateral space by showing, in FIG. 10, an end view of the strips of FIG. 9. FIG. 10 clearly shows a single

radial line representing an edge of one of the angled strips with NO second radial line to represent an edge of an adjacent angled strip. As such the edge of the adjacent angled strip must be behind the first angled strip (as viewed in FIG. 10) or in alignment with the adjacent angled strip. In either case with no second radial line present *no lateral space* can exist between each plurality of strips. With no second line disclosing a space existing in FIG. 10, Maeda does not disclose, teach or even suggest lateral spaces. Maeda, therefore, cannot anticipate Claim 1 and thus the rejection is improper and should be withdrawn.

Claims 2-4, 6-9 and 13-16 are dependent upon allowable Claim 1 either directly or indirectly and as such are allowable for at least the reason that Claim 1 is allowable.

Claim 17 has been amended to include the limitation that *"each of said strips disposed so as to be spaced laterally apart."* With the addition of the lateral spacing limitation, Maeda, as discussed above, has not taught independent Claim 17. As such Claim 17 cannot be anticipated by Maeda and should be allowed. Dependent Claims 18 and 19 are both dependent upon allowable Claim 17 and are therefore allowable as well.

Claim Rejections 35 U.S.C. §102(e)

Claims 1, 8, 13, and 16-19 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Bunker U.S. Patent No. 6,722,134 hereinafter referred to as Bunker. Applicants respectfully traverse. To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988).

Claim 1 has been amended to include the limitation of *"said space including a lateral space disposed between each of said plurality of angled strips."* The Examiner has referenced FIG. 2 of Bunker with disclosing a space between a plurality of angled strips. The Examiner has correctly, however, not referred to this space as a *lateral* space since it is indeed not a *lateral* space. With Bunker not disclosing, teaching or suggesting a *lateral* space as is claimed in Claim 1 the rejection is improper and should be withdrawn.

Dependent claims 8, 13, and 16 in the present application all depend directly from Claim 1. Since, for at least the reasons argued above Claim 1 is allowable then the dependent claims 8, 13, and 16 according to the rules of dependency are also allowable.

Claim 17 has been amended to include the limitation that *"each of said strips disposed so as to be spaced laterally apart."* With the addition of the lateral spacing limitation, Bunker, as discussed above has not taught independent Claim 17. As such Claim 17 cannot be anticipated by Bunker and should be allowed. Claims 18 and 19 are both dependent upon allowable Claim 17 and therefore allowable as well.

Claim Rejections - 35 USC § 103(a)

Claims 5 and 10-12 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Maeda. Applicants respectfully traverse.

The Examiner states, *"to the extent that the claimed invention produces the claimed desired results, the applied prior art structure being the same, does the same."* The prior art structure, however, in Maeda, as discussed above, is NOT the same as the claimed invention. Specifically, Maeda does not disclose the lateral spaces as claimed in the instant application. The reasons stated for rejection are therefore not valid and the obviousness rejections of Claims 5 and 10-12 should be withdrawn.

Previously Allowable Subject Matter

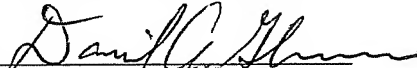
Claim 9 was previously indicated, by the Examiner, as being allowable subject matter if rewritten in independent form with all limitations of the base claim and any intervening claims. The Examiner has withdrawn this allowability in view of the rejections in the present Office Action. Claim 9 includes the limitation that the plurality of angled strips has a bottom section, which transitions to the outside surface through a radiused fillet. The Examiner, however, has not cited any prior art disclosing the above limitation claimed in Claim 9. As such, Applicants respectfully request reconsideration of allowability of the subject matter of Claim 9.

It is believed that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Applicants. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully Submitted,

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